

# **FISCAL MEMORANDUM**

## **SB 202 – HB 729**

June 4, 2007

**SUMMARY OF AMENDMENT (009802):** Deletes original bill in its entirety. Restates in more detail the existing requirement that the Department of Labor and Workforce Development (DOLWFD) revoke the licensure of any person employing illegal aliens. States that the Department shall investigate and issue determinations on complaints made by state and local agencies and employees concerning the immigration status of workers in Tennessee. Requires Commissioner of DOLWFD to conduct contested case hearing pursuant to the Uniform Administrative Procedures Act. License is suspended until status of such person is verified for first violation of the provisions of this bill. Second violation occurring within five years, license is suspended for one year. For third or subsequent violation, license and person is barred forever from doing business in this state.

FISCAL IMPACT OF ORIGINAL BILL:

MINIMAL

### **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures – Not Significant**

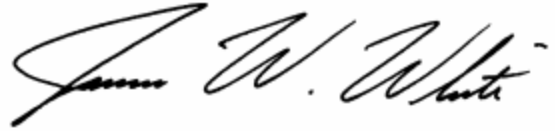
**Increase Local Govt. Expenditures – Not Significant**

Assumptions applied to amendment:

- DOLWFD is currently required to revoke the license of persons employing illegal aliens, Tenn. Code Ann. § 50-1-103, but, according to the Department, is not carrying out this responsibility. The cost of bringing DOLWFD into compliance with current law is not a cost attributable to this bill as amended. See Opinion of the Attorney General No. 07-79 (May 23, 2007) (state licensure laws are not preempted by 8 U.S.C. § 1324a(b)(2)).
- Any increase in local government expenditures to suspend or revoke a business license for violations of this bill is estimated to be not significant.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/LSC